IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 20710 OF 2005

Date: 03.10.2005

BETWEEN:

1. S. Sivaji Rao and others

…. PETITIONERS

And

1. The Andhra Pradesh Housing Board, rep. by its Vice Chairman, Gruhakalpa, M.J. Market, Hyderabad, and another.

…. RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO. 20710 OF 2005

ORDER:

The petitioners invoke the jurisdiction of this Court under Article 226 of the Constitution of India, alleging that the Andhra Pradesh Housing Board, the first respondent herein – and the Mandal Revenue Officer, Qutubullapur Mandal, the second respondent herein – are interfering with the possession and enjoyment of the petitioners in respect of the land in Plot Nos.36, 38, 39 and 40 in S.No.86/part of Nizampet village and they seek a declaration that such interference by respondents is illegal and arbitrary. The petitioners allege that they purchased the plots from Tulasi Mallamma, who laid out the plots in S.No.86/part, and sold away the persons like the petitioners. It is also the case of the petitioners that the officials of A.P. Housing Board claim the land in S.No.191, which is adjacent to the land in S.No.86, which was handed over by the Government to Housing Board. The petitioners apprehend that they might be evicted from their land by coercion.

After getting instructions in the matter, the learned Assistant Government Pleader for Revenue (General) submits that the land in S.No.191 of Nizampet village belongs to the Government, and a part of the land was allotted to Housing Board for taking up Rajeev Gruhakalpa Scheme for the purpose of construction of houses to weaker sections of people. He further submits that the officials have only taken precautionary measures to prevent the owners of the land in S.No.86 (adjoining to S.No.191) from encroaching into the Government land and that the Mandal Revenue Officer or his staff members never interfered with the possession of the plots in S.No.86 and only initiated action against others, who are trying to raise illegal constructions in S.No.191.

After hearing the learned counsel for the petitioners and learned Assistant Government Pleader for Revenue (General) it becomes clear that the petitioners filed the writ petition on mere apprehension. However, the writ petition can be disposed of with an observation that unless and until the petitioners make any attempt to encroach upon the land in S.No.191, the respondents shall not in any manner interfere with the right of the petitioners. However, if there is any boundary dispute, the petitioners have to seek redressal in a civil Court.

The Writ Petition, with the above observations, is accordingly disposed of at the admission stage.

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(**V.V.S. RAO, J.)**

3rd October, 2005

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